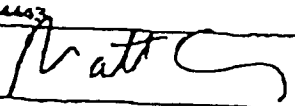




Trial Division  
 Civil - Cover Sheet

|   |  |  |  |
|---|--|--|--|
| PLAINTIFF'S NAME<br>James H. Goeby, Jr., Administrator of the Estate of Mariska Rose Fishman, deceased  |  | DEFENDANT'S NAME<br>RICHARD LONGWILL, AND BARBARA LONGWILL   |  |
| PLAINTIFF'S ADDRESS<br>110 West Front Street<br>Media, Pennsylvania 19063   |  | DEFENDANT'S ADDRESS<br>3720 Coachman Road<br>Surrency Park<br>Wilmington, DE 19803   |  |
| PLAINTIFF'S NAME  |  | DEFENDANT'S NAME<br>AIR BASE CARPET MART, INC. d/b/a AIR BASE<br>DISTRIBUTING, INC., d/b/a AIR BASE CARPET MART  |  |
| PLAINTIFF'S ADDRESS   |  | DEFENDANT'S ADDRESS<br>230 N. Dupont Highway<br>New Castle, DE 19720   |  |
| PLAINTIFF'S NAME  |  | DEFENDANT'S NAME<br>THERESA GARCIA ZAVALA  |  |
| PLAINTIFF'S ADDRESS   |  | DEFENDANT'S ADDRESS<br>101 Whitney Drive<br>Avondale, PA 19311   |  |
| TOTAL NUMBER OF PLAINTIFFS<br>1   | TOTAL NO. OF DEFENDANTS<br>4   | COMMENCEMENT OF ACTION<br><input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal<br><input type="checkbox"/> Writ of Summary <input type="checkbox"/> Transfer From Other Jurisdiction |  |
| AMOUNT IN CONTROVERSY<br><input type="checkbox"/> \$50,000.00 or less<br><input checked="" type="checkbox"/> More than \$50,000.00                      | COURT PROGRAMS<br><input checked="" type="checkbox"/> Arbitration <input type="checkbox"/> Mediation <input type="checkbox"/> Summary Trial<br><input type="checkbox"/> Jury <input type="checkbox"/> Settlement <input type="checkbox"/> Summary Judgment<br><input type="checkbox"/> Non-Jury <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Dispositive Appeal<br><input type="checkbox"/> Other: |  |  |
| CASE TYPE AND CODE (SEE INSTRUCTIONS)<br><br>28 Premises Liability  |  |  |  |
| STATUTORY BASIS FOR CAUSE OF ACTION (SEE INSTRUCTIONS)  |  |  |  |
| RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)  |  |  | IS CASE SUBJECT TO COORDINATION ORDER?<br><br>Yes    No<br><input type="checkbox"/> <input type="checkbox"/><br><input type="checkbox"/> <input type="checkbox"/><br><input type="checkbox"/> <input type="checkbox"/> |
| TO THE PROTHONOTARY:<br>Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant.<br>Papers may be served at the address set forth below. |  |  |  |
| NAME OF PLAINTIFF/PETITIONER/APPELLANT'S ATTORNEY/ATTORNEY<br>THOMAS S. KLINE & SPECTER<br>PHONE NUMBER<br>215-772-1000                                 |  | ADDRESS (SEE INSTRUCTIONS)<br>KLINE & SPECTER<br>1525 Locust Street, 19th Floor<br>Philadelphia, PA 19102  |  |
| FAX NUMBER<br>215-772-1005  |  | E-MAIL ADDRESS<br>thatt.clusby@klinespecter.com  |  |
| SUPREME COURT IDENTIFICATION NO.<br>28895/84443   |  | DATE<br>3/15/04  |  |
| SIGNATURE<br>  |  |  |  |

Attorney for Plaintiff  
1525 Locust Street  
The Nineteenth Floor  
Philadelphia, PA 19102  
(215) 772-1000

MAR 16 2004

**M. GORNAGLIA**

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

CIVIL TRIAL DIVISION

**MARCH 2004**

003776

NO.

JURY TRIAL DEMANDED

**NOTICE TO PLEAD**

[illegible]

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE, TI NO TIENE ABOGADO O EN SUS TIERES DE  
INFERIO SUPERIOR DE FAMILIA Y LA EDUCACION MAYA EN PERSONA O LLAME POR TELEFONO A LA  
OFICINA CUYA DIRECCION ES ENCARGADA RECONOCE ALGO PARA APROPIAR SEÑALES DE MANEJO  
CONCERNER ANTICIPACION LITUAL

ESTA OFICINA ES PORQUE PARTICIPARME CON INGENIEROS AGRICOLA DE EMPLEAR A UN ASOCIADO. MI INTERES ES PORQUE PARTICIPARME PARA EMPLEAR UN AGRICOLA. ESTA OFICINA PUEDE ESTE CASO DE PARTICIPACION ALIEN EN INFORMACION ALIENA DE LAS AGENCIAS QUE PUEDE OBTENER LOS SERVICIOS LEGALES A PERSONAS CLASIFICADAS POR UN INFORMACION RELACIONADO CON LA SEGURIDAD.

Leroy Nelson Jones  
 Philadelphia, PA 19147  
 1214 334-4328

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A PROFESSIONAL CORPORATION

**CIVIL ACTION COMPLAINT**  
**[2-S Premises Liability]**

1. Plaintiff James H. Gorbey, Jr., was appointed Administrator of the Estate of Marissa Rose Fishman, deceased, pursuant to the Order of the Register of Wills of Delaware County dated September 23, 2003; Mr. Gorbey is a citizen and resident of the Commonwealth of Pennsylvania.

2. Marissa Rose Fishman ("plaintiff's decedent") was born on December 30, 2000 and resided at 110 Kelly Drive, Chadds Ford, PA 19317.

3. Plaintiff's decedent drowned on August 30, 2002 while staying at the home of her maternal grandparents, who are named defendants herein, at 3220 Coachman Road, Surrey Park, Wilmington, DE 19803.

4. Defendant Air Base Carpet Mart, Inc., d/b/a Air Base Distributing, Inc. d/b/a Air Base Carpet Mart ("Air Base") is a Delaware corporation or other jural entity with a principal place of business at 230 N. Dupont Hwy., New Castle, DE 19720.

5. Defendants Richard Longwill and Barbara Longwill ("the Longwill defendants") reside at 3220 Coachman Road, Surrey Park, Wilmington, DE 19803. The Longwill defendants, either jointly or individually, own the premises, which includes an indoor pool, at this address.

6. Defendant Teresa Zavala Garcia ("Garcia") resides at 101 Whitney Drive, Avondale, Pennsylvania 19311. Defendant Garcia was working as a nanny on August 30, 2002 at the Coachman Road address where plaintiff's decedent drowned.

7. Pennsylvania jurisdiction is properly asserted over both the Longwill defendants and Air Base because they regularly conduct business and purposefully avail themselves of the benefits of the laws of the Commonwealth of Pennsylvania.

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8. Defendant Richard Longwill is an owner, operator, director and/or officer in several Pennsylvania corporations, including Lancaster Carpet Mart, Inc.; Allentown Carpet Mart and Wallpaper Outlet, Inc.; Reading Carpet Factory Outlet, Inc.; Yorktowne Carpet Mart, Inc.; and Lomax Home Center, Inc. Lomax Home Center, Inc. is located at 2940 Jasper Street in Philadelphia, Pennsylvania, and 100% of its stock is owned by defendant Richard Longwill.

9. Defendant Barbara Longwill is the secretary-treasurer of Air Base Carpet Mart, Inc., which regularly conducts business in Pennsylvania through its affiliates Lancaster Carpet Mart, Inc.; Allentown Carpet Mart and Wallpaper Outlet, Inc.; Reading Carpet Factory Outlet, Inc.; Yorktowne Carpet Mart, Inc.; and Lomax Home Center, Inc.

10. Defendant Air Base, itself and through the foregoing affiliates, purposefully avails itself of the laws and benefits of the Commonwealth of Pennsylvania.

11. Philadelphia county venue is proper because the Longwill defendants and defendant Air Base own and operate Lomax Home Center, Inc. at 2940 Jasper Street in Philadelphia, Pennsylvania.

12. On August 30, 2002, Marissa Rose Fishman, a minor and an invitee at Richard and Barbara Longwill's residence, was caused to drown due to the negligent acts and/or failures to act on the part of defendants and their actual and/or ostensible agents, servants and/or employees.

13. Plaintiff's decedent, an infant, was allowed to proceed unattended through an open sliding glass door separating the kitchen and a large, indoor pool.

14. Said actual and/or ostensible agents, servants and/or employees included Teresa Garcia Zavala, a nanny, and workmen, employed by defendant Richard Longwill and defendant

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Air Base, who, upon information and belief, negligently left the sliding door open leading to the pool on the subject premises.

15. All defendants named herein are vicariously liable for the negligent acts and/or failures to act on the part of said actual and/or ostensible agents, servants and/or employees.

16. The Longwill defendants owed a non-delegable duty to all minor invitees on the premises to protect them from all hazards that were reasonably foreseeable; said hazards included both the means of access to the indoor pool and the work that was being conducted on the premises that day.

17. The unreasonably dangerous condition created by the work was foreseeable, and it caused the death of Marissa Rose Fishman.

18. Plaintiff claims all damages recoverable under the Wrongful Death Act, 42 Pa. C.S.A. §8301, and Survival Act, 42 Pa. C.S.A. §8302, arising out of Marissa Rose Fishman's drowning and subsequent death.

WHEREFORE, plaintiff James H. Gorbey, Jr., hereby demands judgment against defendants in an amount in excess of Fifty Thousand Dollars (\$50,000) exclusive of pre-judgment interest, costs, and post-judgment interest.

KLINE & SPECTER,  
A Professional Corporation

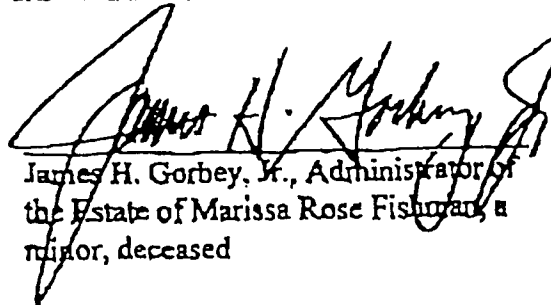
BY: 

THOMAS R. KLINE  
ROBERT ROSS  
MATTHEW A. CASEY  
I.D. Nos. 28895/47152/84443  
Attorneys for Plaintiff

Dated:

VERIFICATION

I, James H. Gorbey, Jr., Administrator of the Estate of Marissa Rose Fishman, a minor, deceased, hereby verifies that within the Complaint is based on first-hand information and on information furnished to my counsel and obtained by him in the course of this lawsuit. The language of the document is of counsel and not of the affiant. To the extent that the contents of the document are based on information furnished to counsel and obtained by him during the course of this lawsuit, the affiant has relied upon counsel in taking this verification. All statement founded upon reasonable belief. This verification is made subject to penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

  
James H. Gorbey, Jr., Administrator of  
the Estate of Marissa Rose Fishman, a  
minor, deceased

Date: 2/3/04